

**United States Department of the Interior
Bureau of Land Management**

Categorical Exclusion Not Established By Statute

DOI-BLM-UT-W020-2015-0006-CX

February 2015

Fillmore Wind (Orion) - Wind Testing and Monitoring Project

Location: T. 21- 25 S., R. 7-10 W.

Applicant/Address: Orion Wind Resources LLC
155 Grand Avenue, Suite 706
Oakland, CA 94612

Fillmore Field Office
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Fillmore, UT 84631
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CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE

A. Background

BLM Office: Fillmore Field Office Lease/Serial/Case File No: UTU-90121

Proposed Action Title/Type: Fillmore Wind (Orion) Wind Testing and Monitoring Project

Location of Proposed Action:

1. Met Tower - T. 24 S., R. 7 W., sec. 5
2. SODAR - T. 24 S., R. 8 W., sec. 35
3. SODAR - T. 24 S., R. 8 W., sec. 27
4. Met Tower - T. 24 S., R. 9 W., sec. 12
5. Met Tower - T. 24 S., R. 9 W., sec. 5
6. Met Tower - T. 24 S., R. 10 W., sec. 1
7. SODAR - T. 23 S., R. 8 W., sec. 21
8. SODAR - T. 23 S., R. 9 W., sec. 23
9. SODAR - T. 23 S., R. 8 W., sec. 18
10. Met Tower - T. 23 S., R. 9 W., sec. 3
11. Met Tower - T. 23 S., R. 8 W., sec. 4
12. Met Tower - T. 22 S., R. 9 W., sec. 23
13. SODAR - T. 22 S., R. 9 W., sec. 8
14. Met Tower - T. 22 S., R. 9 W., sec. 11
15. SODAR - T. 21 S., R. 8 W., sec. 34
16. SODAR - T. 21 S., R. 9 W., sec. 34
17. Met Tower - T. 22 S., R. 8 W., sec. 6
18. Met Tower - T. 21 S., R. 9 W., sec. 20

Description of Proposed Action:

Orion Wind Resources LLC is proposing a wind energy site testing and monitoring project that includes 109,686.44 acres for a term of three (3) years. The site is located approximately 30 miles southwest of Fillmore. There are 18 proposed locations for the temporary wind resource measurement systems and there are two (2) types of systems being proposed. One (1) type is the tubular steel tower, 60 meters (198 feet) in height supported by guy wires with a radius of up to approximately 50 meters (164 feet), an area of approximately 1.25 acres. The second (2nd) type is a trailer-mounted, Sonic Detection and Ranging (SODAR) ground level wind profilers with a footprint of approximately sixty (60) square feet. Access to all 18 testing locations would be conducted by existing access roads and two tracks. Note that applicant may not install systems at all of the proposed locations.

To install the temporary wind resource measurement systems, personnel will access each testing location using two (2) to three (3) light trucks and / or Sport Utility Vehicles with rubber tires. Meteorological towers and SODAR sonic wind profilers will be transported to each location on trailers with rubber tires. A small tractor with a backhoe may be used during erection of meteorological towers and would similarly be transported to each testing location on a trailer.

No grading is anticipated to be required for installation of any of the wind monitoring systems, and ground disturbance will be further minimized by the use of guyed meteorological towers that do not require concrete foundations and the use of trailers for the SODAR sonic wind profilers. Either screw-in anchors or heavy gauge rebar will be used to secure tower guy wires. SODAR sonic wind profilers remain on the trailer during testing.

Testing locations and access routes will be flagged or staked by the Applicant to make it easier for BLM staff and environmental and archaeological consultants to identify each testing location when in the field. Marker balls will be deployed near the top of each meteorological tower on the outer-most guy wires. Each of the outer-most anchor points will be marked with flagging or a colored sleeve. Cattle panels may also be erected around anchor points but perimeter fencing around the testing site is not anticipated. A T-post or other marker will be placed along existing routes to identify the access point for each testing location, to ensure a single point of entry from the access route to each testing location.

Scheduled maintenance and inspection visits will occur approximately once a year per testing location. Unscheduled and emergency maintenance may require an additional zero (0) to (4) site visits per year for each testing location. Data collected from the wind resource measurement systems will be retrieved by cellular or satellite telephone equipment located at each testing location in order to limit the number of site visits required.

All testing systems, including anchor material, will be removed at the end of the testing period or any renewal of the testing period, or incorporated into a wind power generation facility pursuant to a separate wind energy development right-of-way grant application and Plan of Development. Minor excavation may be necessary to remove anchors and Applicant will follow BLM's recommendations for re-vegetating testing locations as necessary to restore them to their original condition. Testing locations will be photographed prior to installation of the temporary wind resource measurement systems to document the original condition of each proposed testing location. Orion would like to begin the installation as soon as possible.

B. Land Use Plan Conformance

Land Use Plan Name: Warm Springs Resource Management Plan

Date Approved/Amended: April, 1987

The proposed action is in conformance with the Warm Springs Resource Area Resource Management Plan (WSRMP) and Record of Decision dated March 20, 1987, as amended. The WSRMP, Chapter 2, Lands, Page 39, Goals and Objectives states: "1) Provide more effective public land management and to improve land use, productivity, and utility. 2) Accommodate community expansion and economic development needs. And 3) Authorize legitimate uses of public lands. These are accomplished by processing use authorizations (e.g. rights-of-way, leases, permits, and State land selections) in response to demonstrated public needs."

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, (E) (19) for Realty. This reference states: issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and constructions sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

I considered the fact that this will be a temporary authorization. If the proponent decides to construct a wind farm a new application will be submitted and a new form of NEPA will be completed before any authorizations are issued.

Authorizing Official:

  Date: 3-3-16
(Name) (Title)

For additional information concerning this CX review, contact Teresa Frampton, Realty Specialist, Fillmore BLM Office, 95 East 500 North, Fillmore, Utah 84631, 435.743.3100.

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	/s/ Paul Caso	2/2/15
Areas of Critical Environmental Concern	No	/s/SBonar	1/30/15
Cultural Resources	No	/s/ Stacey Whitman Moore	1/28/2016
Environmental Justice	No	/s/ Cindy Ledbetter	11/9/2015
Farm Lands (prime or unique)	No	/s/ Bill Thompson	2/9/15
Floodplains	No	/s/ Paul Caso	2/2/15
Invasive Species/Noxious Weeds	No	/s/R.B. Probert	3/25/15
Migratory Birds	No	/s/JPriest	3/2/15
Native American Religious Concerns	No	/s/ Joelle McCarthy	10/20/2015
Threatened, Endangered, or Candidate Species	No No	/s/DWhitaker (rare plants) /s/JPriest	2/2/15 3/2/15
Wastes (hazardous or solid)	No	/s/R.B. Probert	2/9/15
Water Quality (drinking or ground)	No	/s/ Paul Caso	2/2/15
Wetlands / Riparian Zones	No	/s/ Bill Thompson	1/30/15
Wild and Scenic Rivers	No	/s/SBonar	1/30/15
Wilderness/WSA	No	/s/SBonar	1/30/15
Other:			

*Extraordinary Circumstances apply.

Environmental Coordinator:



Date:

3/3/2016

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No √	Rationale: The project would not utilize methods or equipment that pose risks to public safety or create hazards to public health.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No √	Rationale: These resources including special designations are not present or impacted by the proposal. An interdisciplinary team (ID Team) has reviewed the critical elements and other resources of the human environment. New resources or impacts were not identified. Migratory birds such as passerines, raptors, waterfowl, and shorebirds as well as avian mammals (bats) are known to use the historic Beaver River drainage for migration and foraging. Golden eagles are also known to nest within the vicinity of the proposed project and bald eagles are a frequent visitor in the winter. Guy wires are a special concern to migratory birds, raptors, and bats. Installation of met towers and SODAR units can disturb nesting individuals and mortalities can occur from collisions with guy wires. Mitigation/stipulation measures are required to be implemented to reduce impacts to nesting individuals and collision with guy wires.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No √	Rationale: This action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. The impacts associated with wind energy site testing and monitoring facilities are well known and of sufficiently small scale that they do not present highly controversial environmental effects.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes	No √	Rationale: The results of this action are predictable and do not have the potential for substantial environmental effects. There are no known unique environmental risks for this area. Based on the ID Team review, new circumstances were not identified and the consequences of the proposal remain certain.
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5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.

Yes	No √	Rationale: The proposed action would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. Should the proponent decide to proceed to the development phase, a separate application is required and a separate NEPA analysis would be completed.
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6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes	No √	Rationale: This action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The proposal is consistent with other land uses in the area.
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7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

Yes	No √	Rationale: BLM determines that this project will cause No Adverse Effect to Historic Properties, under the provisions of the Utah Protocol of the National Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.
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8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes	No √	<p>Rationale: The proposal as stipulated will not affect any candidate or federally threatened or endangered species nor will it adversely modify critical habitat.</p> <p>The met towers and SODAR units are proposed within the historical range and suitable habitat for the threatened Utah prairie dog (UPD). No critical habitat is designated for this species in Millard County.</p> <p>However, UPD surveys conducted by other projects within the historic Beaver River valley have not documented the presence of UPDs and it felt that the range in Millard county is unoccupied; Therefore, the proposed action will have “no effect” no UPDs.</p> <p>No critical habitat for UPDs is designated in Millard County. Mitigation/stipulations are required to avoid and minimize any undue impacts to burrows, burrow communities, and general habitat; therefore, the proposed action is “not likely to adversely affect” any UPD habitat.</p>
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9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No √	<p>Rationale: This proposal is consistent with Millard County ordinances. The Applicant is responsible to acquire any additional required permits or authorizations. By authorizing this action, the BLM would not be in violation of any federal law, county ordinance, or state statute.</p>
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10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No √	<p>Rationale: Health or environmental statutes would not be compromised. This action would not have a disproportionately high and adverse effect on low income or minority populations in Millard County or isolated ranches.</p>
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11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes	No √	<p>Rationale: No conflicts were identified by the Tribes contacted. The action would not limit access to and ceremonial use of sacred sites by Native American religious and traditional practitioners or significantly affect the physical integrity of such sites.</p>
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12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes	No	Rationale: Vehicles and equipment will be cleaned prior to entering the proposed project area to minimize the introduction of noxious/invasive weed in other areas.
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